

## **REMARKS**

Claims 42-47, 50-79 and 81-90 are pending in this application, with claims 59-78 and 81-86 withdrawn from consideration. Claims 42 and 79 are amended. No new matter has been added as the amendments have support in the specification as originally filed. It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

Claims 42-47, 52-58, 79, 89, 90 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Needham et al (US 6,188,767) in view of Lalwaney (US 2004/0037237) and further in view of 3GPP2 “Upper Layer (Layer 3) Signaling for cdma2000 Spread Spectrum Systems” 3GPP2 C.S005-d version 1.0 (“3GPP2”). Claims 50, 51, 87 and 88 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Needham in view of Lalwaney in view of 3GPP2 and further in view of Border (US 2002/0016851A1). Applicant respectfully traverses these rejections, and requests reconsideration and allowance of the pending claims in view of the following arguments.

### **Rejection under 35 U.S.C. § 103 (a) as being unpatentable over Needham in view of Lalwaney and further in view of 3GPP2**

Claims 42-47, 52-58, 79, 89, 90 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Needham in view of Lalwaney and further in view of 3GPP2.

Independent claim 42 recites generating a public long code mask comprising the received flow identifier, a predetermined portion of a channel identifier for identifying a corresponding forward broadcast supplemental channel among the plurality of forward broadcast supplemental channels, and a specific header having a value that does not coincide

with previous public long code masks and does not coincide with previous long code masks, wherein the specific header is allocated to a most significant bit portion of the public long code mask, and wherein the channel identifier and the flow identifier are allocated from a least significant bit to a more significant bit, in a portion of the public long code mask to which the specific header is not allocated.

As disclosed in claim 42, the public long code mask includes the specific header, the flow identifier, and the channel identifier. Additionally, the specific header, the flow identifier, and the channel identifier are arranged in this order from the most significant bit to the least significant bit of the public long code.

Page 3 of the Office Action states that the combination of Needham and Lalwaney do not expressly disclose generating a public long code mask, comprising the received flow identifier and a predetermined portion of a channel identifier for identifying a corresponding forward broadcast supplemental channel among the plurality of forward broadcast supplement channels, and wherein the channel identifier and the flow identifier are allocated in a portion of the public long code mask to which the specific header is not allocated. Additionally, pages 3-4 of the Office Action states that pages 2-669, 2-670, and Figure 2.6.13.11.-1 of 3GPP2 disclose generating a public long code mask, comprising the received flow identifier and a predetermined portion of a channel identifier for identifying a corresponding forward broadcast supplemental channel among the plurality of forward broadcast supplement channels, and wherein the channel identifier and the flow identifier are allocated in a portion of the public long code mask to which the specific header is not allocated. Finally, page 4 of the Office Action states that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Needham and Lalwaney to include the teachings of 3GPP2, since specific allocations of a public long

code mask and flow identifier within most significant bits and least significant bits using standardized protocol would allow a system to function within known specifications.

Applicant provides the following remarks.

Page 2-669, lines 17-27; page 2-670 –Figure 2.6.13.1.-1, of 3GPP2 discloses procedures for BCMC Flow ID based autonomous PLCM generation (section 2.6.13.10.1) and BCMC\_FLOW\_ID generation (section 2.6.13.11) under Mobile Station BCMC Operation (section 2.6.13) and Procedures for Public Long Code Mask schemes (section 2.6.13.10). Figure 2.6.13.11-1 of 3GPP2 illustrates the structure of “BCMC\_FLOW\_ID” consisting of BCMC\_FLOW\_DISCRIMINATOR\_LEN field, BCMC\_PROGRAM\_ID field and BCMC\_FLOW\_DISCRIMINATOR field. According to 3GPP2, a 42-bit Public Long Code Mask (PLCM) is set as follows: bits P41 through P35 shall be set to “1100011,” bits P34 through P3 shall be set to FIRST\_FLOW\_ID, and bits P2 through P0 shall be set to FIRST\_BSR\_ID. Specifically, the PLCM of 3GPP2 consists of a “Header,” a “FIRST\_FLOW\_ID,” and a “FIRST\_BSR\_ID.”

The comparison of PLCM structures in general will now be made in order to clarify the difference between claim 42 and 3GPP2. However, Applicant does not concede that the specific constitution of each element of PLCM, i.e., the received flow identifier, a predetermined portion of a channel identifier, and a specific header, of PLCM is disclosed in 3GPP2.

Accordingly, the header and the flow identifier of claim 42 may arguably correspond to the Header and FIRST\_FLOW\_ID of 3GPP2 in general. However, Applicant submits that the “FIRST\_BSR\_ID” of 3GPP2 cannot correspond to “a channel identifier” of claim 42. Specifically, 3GPP2 discloses that the FIRST\_BSR\_ID is set as the BSR\_ID (BCMC Service

Reference identifier) corresponding to the FIRST\_FLOW\_ID, where the BSR\_ID is a logical identifier identifying the contents of the BCMC service. The BCMC service is not the same as a forward broadcast supplemental channel. Therefore, since the BCMC service is not the same as a forward broadcast supplemental channel, the FIRST\_BSR\_ID does not correspond to a forward broadcast supplemental channel, and therefore, the FIRST\_BSR\_ID of 3GPP2 cannot teach or suggest “a channel identifier for identifying a corresponding forward broadcast supplemental channel among the plurality of forward broadcast supplemental channels,” as recited in claim 42. More specifically, Applicant submits that 3GPP2 fails to disclose the channel identifier disclosed in claim 42.

Applicant has demonstrated above that 3GPP2 fails to teach or suggest various elements recited in independent claim 42. Accordingly, Applicant submits that Lalwaney and 3GPP2 fail to cure the cited deficiencies of Needham, therefore, independent claim 42 should be allowable over the cited combination of references. Furthermore, independent claim 79 recites elements similar to independent claim 42 and should be allowable for reasons similar to those presented with respect to independent claim 42. Finally, claims 43-47, 52-58, 89, and 90 should be allowable at least by virtue of their respective dependence on allowable independent claims 42 and 79.

**Rejection under 35 U.S.C. § 103 (a) as being unpatentable over Needham in view of Lalwaney in view of 3GPP2 and further in view of Border.**

Claims 50, 51, 87 and 88 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Needham in view of Lalwaney in view of 3GPP2 and further in view of Border.

Applicant has demonstrated above that Needham, Lalwaney, and 3GPP2 fail to teach or suggest all of the elements recited in independent claims 42 and 79. Additionally, Applicant submits that Border fails to cure the stated deficiencies of Needham, Lalwaney, and 3GPP2, and therefore, independent claims 42 and 79 would still be allowable over the cited combination of references. Finally, claims 50, 51, 87, and 88 should be allowable at least by virtue of their respective dependence on allowable independent claims 42 and 79.

**CONCLUSION**

In light of the above remarks, Applicant submits that the present Amendment places all claims of the present application in condition for allowance. Reconsideration of the application is requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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